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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/699,425

10/31/2003

Dianne Ellis

02-292

3280

62753

7590

07/08/2010

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EXAMINER

SINGH-PANDEY, ARTI R

ART UNIT

PAPER NUMBER

1786

MAIL DATE

DELIVERY MODE

07/08/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,425	Applicant(s) ELLIS ET AL.	
	Examiner Arti Singh-Pandey	Art Unit 1786	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/25/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 4 and 15-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In view of the remarks filed in the appeal brief dated 03/25/2010,
PROSECUTION IS HEREBY REOPENED. The rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

/Jennifer C. McNeil/
Supervisory Patent Examiner, Art Unit 1784

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 4 and 15-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6667290 issued to Svendsen in view of USPN 7013541 issued to Rivera et al (date relied upon is that of the provisional application).

4. Svendsen discloses making treated substrates for sanitizing surfaces utilizing a sanitizing solution that includes a sanitizer (column 2). The article includes a substrate which may be a woven, nonwoven, knit fabric, towel, foam or sponge (columns 2 and 3). A sanitizer release polymer composition covers at least a portion of this substrate. Said composition comprises at least one cationic surfactant, and at least one nonionic surfactant (column 3, lines 10-24). Thus, this meets Applicant's limitation of a nonionic and cationic binder mixture applied to a nonwoven.

At column 3, line 60-column 4, line 50, the instant patent teaches that the sanitizing composition may contain an additional co surfactant. Thus, Svendsen employs a mixture of cationic and nonionic binders which are applied to a nonwoven web and it also teaches an antimicrobial cationic quaternary ammonium additive and how using cationic/ nonionic binders allow for the release of the antimicrobial in contrast to using anionic binders at columns 1 and 2. Therefore, Svendsen teaches the compositional makeup as outlined in Claim 4, but fails to teach that the wipe is a hard surface wipe, its compositional makeup or the additional layers as sought in claims 19-22. This is remedied by Rivera et al.

Rivera et al. discloses two side imaged nonwoven having additional scrim layers or additional support layers (film) within their composite. Said nonwoven are natural

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staple length carded and cross lapped. Said nonwoven can be made into hard surface wipes. The fibers used to create the nonwoven can be natural fibers.

Rivera et al. also discloses two side imaged nonwoven having additional scrim and or film layers within their composite. Therefore, a person having ordinary skill in the art at the time the invention was made would have found it obvious to have used the composition of the sanitizer of Svendsen on the composite of Rivera et al. as the base substrate for the wipe. One would have been motivated to do this in order to provide a wipe with enhanced strength and durability in the overall composite.

It should be noted that although applicant desires to apply the coating at different times the method of making an article is not germane to the issue of patentability of the article itself, as a skilled artisan would not be able to differentiate when or how the coatings were applied in the final product. Additionally, Applicant never really goes into great detail of what the cationic composition really is. The presence of the cationic binder alone functions in that capacity that it acts as a crosslinking agent or attracts.

Alternatively, looked at another way Rivera et al. could be relied upon for its structure of the wipe and Svendsen relied upon for the compositional makeup of the cleaning solution. Therefore, a skilled artisan would have found it obvious at the time the invention was made to have substituted one cleaning solution for another. One would have been motivated to do so in order to provide a cleaning wipe which cleans a specific surface such as glass, thereby justifying exchanging one cleaning solution for another.

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All in all the combination of Svendsen in view of Rivera et al. or Rivera in view of Svendsen would arrive at the disclosed invention.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arti Singh-Pandey whose telephone number is 571-272-1483. The examiner can normally be reached on M-R 8-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald Tarazano can be reached on 571-272-1515. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Arti Singh-Pandey/
Primary Examiner
Art Unit 1786

AP